

### **REMARKS**

This Amendment responds to the Office Action dated April 20, 2006.

Applicants are appreciative of Examiner's comments regarding the allowability of the claims 18-27 and 31-33 as well as any of the following claims 4, 9, 10, 12-15 and 17 if drafted in independent form and based upon the inclusion of the subject matter recited in any associated base claim and any intervening claims. As such, independent claim 1 has been amended to include the subject matter of dependent claim 10 and independent claim 11 has been amended to include the subject matter of claim 12. Applicants submit that no new matter has been added. Additionally, claims 2, 8-10, 12 and 28-30 have been canceled. The cancellation of these claims should in no way be construed as acquiescence to any of the rejections stated. These claims were canceled solely to expedite the prosecution of the present application. Accordingly, claims 1, 3-7, 11, 13-27 and 31-33 should now be in allowable form.

#### **"Other Documents" Section of Information Disclosure Statements filed on September 27, 2004 and November 10, 2005**

The reference titled "Westlock, ICOT® 'Proximity Positioner' Non-Contact Position Feedback. Westlock November 2002", which is a two-page reference listed in the Information Disclosure Statement filed on November 10, 2005, was not initialed by the examiner. An initialed footnote indicates the reference was "not associated with the file of record." The Applicants note that in a previous attempt to make this particular reference of record in the application, by way of an Information Disclosure Statement filed on September 27, 2004, the same reference was lined-through, with a footnote indicating the reference was "not

associated with the file.” In both instances, the undersigned representative’s file copy includes a copy of everything submitted with the respective Information Disclosure Statements, including the “Westlock, ICoT® ‘Proximity Positioner’ Non-Contact Position Feedback. Westlock November 2002” reference in question, and it is therefore believed that, in both instances, the reference was submitted to the U.S. Patent & Trademark Office with the respective Information Disclosure Statements.

Another copy of that reference is also submitted herewith. The Examiner’s consideration of the reference, and confirmation of such consideration by now initialing the previously-submitted Information Disclosure Statement of November 10, 2005 (a copy of which is also submitted herewith for that purpose) is respectfully requested. It is believed that no additional fees for the examiner’s consideration of the reference are necessary. However, in the event any additional fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

The Applicants note that this two-page reference has, in fact, already been considered by the Examiner in the present application, inasmuch as the two pages are believed to be identical (with the exception of the page numbers) to pages D-6 and D-7 of the reference captioned “Westlock, The Precision of Non-Contact Position Feedback, ICot, The First Proximity Positioner” which was initialed by the Examiner in the Information Disclosure Statement filed on September 27, 2004.

**CONCLUSION**

For the reasons stated above, Applicants submit that the specification and claims are in proper form and clearly define patentable subject matter with respect to the prior art. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. If the Examiner has any questions which might easily be resolved by telephone, he is invited to contact the Applicants' undersigned representative at (312) 474-6300.

Respectfully submitted,

  
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SHEET 1 of 1

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Applicant(s) Curt Galbreath et al.	
Filing Date February 18, 2004	Art Unit 2862

## INFORMATION DISCLOSURE STATEMENT



## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Issue or Publication Date	Name	Class	Subclass	Filing Date (If Appropriate)
BL	6,820,647	11-23-2004	Grecco et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date	Country	Translation	
				Yes	No

## OTHER DOCUMENTS

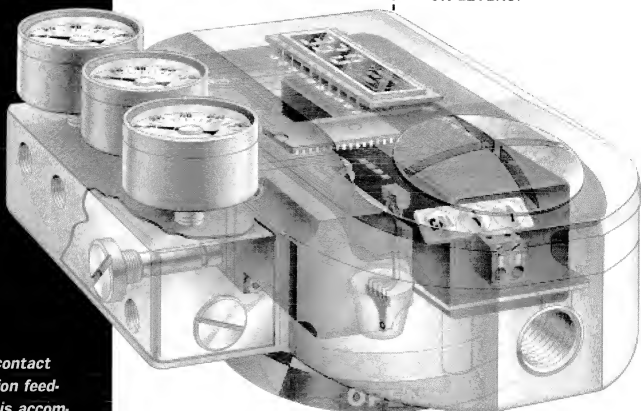
	Westlock, ICoT® "Proximity Positioner" Non-Contact Position Feedback. Westlock November 2002. *
BL	International Preliminary Report on Patentability received in International (PCT) Application PCT/US2004/004767, issued August 26, 2005.
BL	Written Opinion for Application PCT/US2004/004767, issued August 26, 2005.

\* not associated with the file record. BL

EXAMINER: BL	DATE CONSIDERED: 4/4/06
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## Proximity Positioner

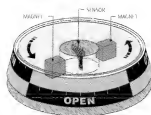
UNLIKE CONVENTIONAL POSITIONERS, THE ICoT POSITIONER FEEDS BACK VALVE POSITION WITHOUT THE NEED FOR LINKAGES OR LEVERS.



**Non-contact position feedback is accomplished through the use of a proximity type solid state sensor**

### Non-Contact Position Feedback

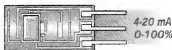
Unlike conventional positioners, the ICoT® (patent pending) feeds back accurate valve position without the need for linkages, levers, and rotary or linear seals. Position sensing is performed totally by non-contacting means, permitting use of advanced control strategies where knowledge of valve position is used in predictive and other algorithms.



# The Advantages of Non-Contact Position Feedback

## Integrated Position Transmitter

The ICoT<sup>®</sup> is available with an integrated 4-20 mA position feedback transmitter. This cost effective feature eliminates the requirement for the purchase of externally mounted devices when knowledge of valve position is required at a remote location



## Intelligent Calibration, Local Keypad

ICoT<sup>®</sup> intelligent positioners are equipped with a HART<sup>®</sup> interface or a 3-button "membrane keypad" for performing on-site electronic calibration. The AutoCal feature allows for simple zero and span adjustments as well as PID and transducer calibration.



## HART<sup>®</sup> Protocol

The ICoT<sup>®</sup> positioner responds to HART<sup>®</sup> commands for ease of calibration and provides intelligence for the control valve through a microprocessor based diagnostic system utilizing the HART<sup>®</sup> protocol. Accurate measurement of valve stem position, input signal, and actuator pressure offer operating personnel a real-time perspective on the state of control at the valve.



## Remote Mount Capability

Since valve position feedback to the ICoT<sup>®</sup> positioner is accomplished by non-contacting means, the ICoT has the unique ability to be mounted remotely (up to a distance of 50 feet) from the device it is controlling. In the event the control valve is located in either a high vibration or extremely corrosive environment, the non-contact position feedback feature allows for isolated placement of the positioner.

